

**ELECTRONICALLY FILED
IN THE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

<p>RAMAPOUGH MOUNTAIN INDIANS, INC., and RAMAPOUGH LENAPE NATION,</p> <p style="text-align: center;">PLAINTIFFS</p> <p>v.</p> <p>TOWNSHIP OF MAHWAH, RAMAPO HUNT & POLO CLUB ASSOCIATION, INC., GERALDINE ENTRUP, THOMAS MULVEY, JOHN and JANE DOES 1- 14, JOHN DOE ENTITIES 1 and 2,</p> <p style="text-align: center;">DEFENDANTS.</p>	<p>Case No. 2:18-cv-09228-CCC-JBC</p> <p style="text-align: center;">CIVIL ACTION</p> <p style="text-align: center;">CERTIFICATION OF COUNSEL IN SUPPORT OF DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION FOR LEAVE TO FILE FIRST AMENDED COMPLAINT</p>
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I, RUBY KUMAR-THOMPSON, ESQ., being duly sworn upon my oath, do hereby certify as follows:

1. I am an attorney at law in the state of New Jersey, admitted to practice before the United States District Court of the District of New Jersey, and a Partner in the firm of Cleary Giacobbe Alfieri Jacobs, LLC, which firm represents Defendants Township of Mahwah, Geraldine Entrup, and Thomas Mulvey, in the above-captioned matter.

2. I am submitting this Certification in support of Defendants' Opposition to Plaintiffs' Motion for Leave to File First Amended Complaint.

3. It is respectfully requested that this Court take into consideration the attached exhibits, which contain matters of public record and/or are explicitly referenced in the Proposed Amended Complaint, pursuant to its authority under

the Third Circuit's holdings in In re Burlington Coat Factory Sec. Litig., 114 F.3d 1410, 1426 (3d Cir.1997), and in Pension Guaranty Corp. v. White Consol. Indus., 998 F.2d 1192, 1196 (3d Cir.1992); and in accordance with the rulings in Thomasian v. New Jersey Inst. of Tech., Docket No. 08-2218, 2009 WL 260791 *1, n. 3 (D.N.J. February 3, 2009); Love v. S. River Police Dept., Docket No. 11-3765, 2012 WL 3950358 *2 (D.N.J. September 10, 2012); Baklayan v. Ortiz, Docket No. 11-03943, 2012 WL1150842 *8 (D.N.J. August 15, 2012); and Dakka v. City of Hackensack, Docket No. 09-4564, 2010 WL 1490647 *6 (D.N.J. April 3, 2010).

4. "Exhibit A" is a true and accurate copy of the Township of Mahwah Schedule of District Use Regulations.

5. "Exhibit B" is a true and accurate copy of the erroneously-issued permit for construction of a long house dated January 25, 2012.

6. "Exhibit C" is a true and accurate copy of Plaintiff's Zoning Permit Application dated April 6, 2017.

7. "Exhibit D" is a true and accurate copy of the Letter from Michael J. Kelly, P.E. dated April 13, 2017.

8. "Exhibit E" is a true and accurate copy of a letter with Plaintiff's application for a Use Variance dated June 12, 2017, and the addendum to the application.

9. "Exhibit F" is a true and accurate copy of the letter dated August 21, 2017 withdrawing Plaintiff's application for a use variance.

10. “Exhibit G” is a true and accurate copy of the Zoning Board of Adjustment Resolution dated November 1, 2017 dismissing Plaintiff’s application for a use variance without prejudice.

11. “Exhibit H” is a true and accurate copy of the letter dated September 15, 2017 revoking the zoning permit as it was granted without authorization from the Board of Adjustment because the use was a non-conforming use in the C-200 Zone.

12. “Exhibit I” is a true and accurate copy of the Prerogative Writ Complaint dated October 27, 2017, BER-L-7435-17 filed by Plaintiffs challenging the Township’s revocation of its 2012 permit.

13. “Exhibit J” is a true and accurate copy of the New Jersey Superior Court Order dated April 27, 2018; and Transcript dismissing Plaintiff’s Complaint challenging the revocation of the 2012 permit.

14. “Exhibit K” is a true and accurate copy of the Mahwah Municipal Court Transcript, dated November 17, 2017.

15. “Exhibit L” is a true and accurate copy of the Answer filed by Plaintiffs to the Township’s Verified Complaint seeking an injunction against Plaintiffs for refusing to comply with zoning ordinances, dated June 15, 2017.

16. “Exhibit M” is a true and accurate copy of the Notice of Abatement letter dated January 17, 2018 from Geraldine Entrup.

17. “Exhibit N” is a true and accurate copy of the letter dated April 24, 2018 from Geraldine Entrup.

18. “Exhibit O” is a true and accurate copy of the Summonses issued to Plaintiffs in April and May 2018 (these were previously annexed to Plaintiffs’ Motion for a Temporary Restraining Order and Preliminary Injunction at ECF no. 12-3).

19. “Exhibit P” is a true and accurate copy of the Decision of the Honorable Keith A. Bachmann, J.S.C., dated January 10, 2019 affirming *de novo* Plaintiffs’ municipal court conviction for violating Mahwah’s zoning ordinances through the erection of structures without first obtaining a permit.

20. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

CLEARY GIACOBBE ALFIERI JACOBS, LLC
Attorneys for defendants Township of Mahwah,
Geraldine Entrup and Thomas Mulvey

By: /s/ Ruby Kumar-Thompson
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Dated: January 23, 2019